SECTIONS.

79. Proceedings if any occupier opposes execution of Act.
80. Entry for purposes of Act.
81. Arbitration in cases of compensation, etc.
82. Municipality may prosecute.
83. Damage to municipal property how made good.
84. Jurisdiction of Magistrate.
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86. [*Repealed.*]
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VII.—MUNICIPAL ACCOUNTS AND GOVERNMENT CONTROL.

88. Quarterly and annual accounts.
Budget estimates.
89. Audit of accounts.
90. Transmission of accounts to Government.
91. [*Repealed.*]

VIII.—PUBLICITY OF MUNICIPAL PROCEEDINGS.

92, 93. [*Repealed.*]
94. Publication of accounts.
95 to 99. [*Repealed.*]

BOMBAY ACT No. VI OF 1873 [a].

(The assent of the Governor General of India to this Act was first published by the Governor of Bombay on the 14th May, 1874.)

An Act for the better management of Municipal affairs in Mufassal Towns and Cities.

WHEREAS it is expedient to consolidate and amend the law relating to the management of municipal affairs in cities and towns in the Bombay Presidency other than the City of Bombay: It is enacted as follows:—

I.—PRELIMINARY.

1.—[*Repeal of enactments.*] *Repealed by Act XII of 1876.*

2. This Act shall be cited as the Bombay District Municipal Act [b]. Short title.

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[a] Bom. Act VI of 1873 extends to the whole of the Presidency of Bombay, except the City of Bombay—see Bom. Act II of 1884, s. 1, printed in Vol. III of this Code.

Bom. Act II of 1884 is to be construed as one with Bom. Act VI of 1873—see Bom. Act II of 1884, s. 2.

Bom. Act V of 1890 (Municipal Servants) is to be read with Bom. Act VI of 1873—see Bom. Act V of 1890, s. 2 (*2*), printed in Vol. III of this Code.

Bom. Act VI of 1873 has been extended, by notification under the Scheduled Districts Act, 1874, to the Province of Sindh—see Appendix to Vol. I of this Code, p. xxxv.

[b] Bom. Acts VI of 1873 and II of 1884 may be cited together as the Bombay District Municipal Acts of 1873 and 1884—see Bom. Act II of 1884, s. 1.

Interpretation-clause.

3. The following words and expressions in this Act shall have the meanings hereby assigned to them,[a] unless there be something in the subject or context repugnant to such construction :—

[b] the word "Commissioner" shall mean any person legally a member of a municipality constituted under this Act:[c]

the word "land" shall include buildings, trees and appurtenances thereupon : [d]

[e] the word "street" shall mean any street, way, road, square, court, alley or passage over which the public have a right of way, or which is used by the public as a means of access :

the word "building" shall mean any house, hut, shed or enclosure, whether used as a human dwelling or otherwise, and shall include compound-walls, door-steps, verandahs and the like:

the word "owner" shall mean the person for the time being receiving the rent of lands and buildings, or either of them, whether on his own account, or as agent or trustee for any other person or society, or for any religious or charitable purposes, or who would so receive the same if such land or building were let to a tenant: Provided that no person receiving the rent of land or premises as agent or trustee for another person shall be liable to do anything by this Act required to be done by the owner of such land or premises unless he have sufficient funds of or due to the owner to pay for the same; nor shall he be subject to any penalty for omitting to do such act if he can prove that the default was occasioned by reason of his not having funds of or due to the owner sufficient to defray the expense of doing the act required.

II.—Constitution of Municipalities.

4 to 16. [*Repealed by Bom. Act II of 1884, s. 3, except in temporary municipal districts in existence when that Act came into force.*]

III.—Municipal Property and Fund.

Property vested in municipality.

17. All property of the nature hereinafter specified shall be vested in and belong to the municipality, and shall, together with all other property, of

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[a] For further definitions, see Bom. Act II of 1884, s. 4, cls. (*1*), (*2*) and (*3*), printed in Vol. III of this Code.

[b] The definitions of "Collector," "Magistrate of the district" and "Magistrate," repealed by Bom. Act III of 1886 are omitted.

[c, d] The definitions of "place" and "bazar," which were repealed by Bom. Act II of 1884, s. 3, except in temporary municipal districts in existence when that Act came into force, are omitted.

[e] This definition of "street" was substituted for the original definition by Bom. Act II of 1884, s. 49 (*a*).

what nature or kind soever, which may become vested in the municipality, be under their direction, management and control, and shall be held and applied by them as trustees for the purposes of this Act; that is to say :—

(*a*) All public town-walls, gates, markets, slaughter-houses, manure and nightsoil-depôts and public buildings of every description not specially reserved by Government.

(*b*) All public streams, tanks, reservoirs, cisterns, wells, springs, aqueducts, conduits, tunnels, pipes, pumps and other water-works, and all bridges, buildings, engines, works, materials and things connected therewith or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank or well.

(*c*) All public sewers and drains, and all sewers, drains, tunnels, culverts, gutters and watercourses in, alongside or under, any public [a] street, and all works, materials and things appertaining thereto, as also all dust, dirt, dung, ashes, refuse, animal-matter or filth or rubbish of any kind collected by the municipality from the streets, houses, privies, sewers, cesspools, or elsewhere.

(*d*) All public lamps, lamp-posts and apparatus connected therewith, or appertaining thereto.

(*e*) All land transferred to them by Government or by gift or otherwise for local public purposes.

(*f*) All public streets, [b]not being portions of provincial highroads or trunk roads specially reserved by Government,[b] and the pavements, stones and other materials thereof, and also all trees, erections, materials, implements and things provided for such streets [c].

Municipal fund.

18. All moneys received by or on behalf of the municipality by virtue of this or any other Act; all taxes, tolls and other imposts, fines, fees, penalties paid to or levied by them under this Act; all proceeds of land or other property sold by the municipality, and all rents accruing from their land or property; as also all interest, profits and other moneys accruing by gifts or transfers from Government or private individuals or otherwise, shall constitute the municipal fund, and shall be held and dealt with in a similar manner to the property mentioned in the last preceding section.

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[a] The word "public" was inserted by Bom. Act II of 1884, s. 49 (*b*).

[b-b] These words were substituted for the original words by Bom. Act II of 1884, s. 49 (*b*).

[c] Words which were repealed by Bom. Act II of 1884, s. 3, except in temporary municipal districts in existence when that Act came into force, are omitted.

19. *Clause 1.*—[*Existing municipalities made municipal districts.*] *Repealed by Bom. Act II of 1884, s. 3, except in temporary municipal districts in existence when that Act came into force.*

Clause 2.—[*Pending proceedings.*] *Repealed by Act XII of 1876.*

20.—[*Existing municipalities not made into municipal districts.*] *Repealed by Bom. Act II of 1884, s. 3, except in temporary municipal districts in existence when that Act came into force.*

Imposition of taxes.

21. *Clause 1.*—Every municipality desiring from time to time to impose any tax, toll or other impost for the purposes of this Act shall give notice of such intention, and shall in such notice define the nature of the tax, toll or other impost, the class of persons or property to be made liable thereto, and the amount to be imposed.

Clause 2.—Any inhabitant of the municipal district objecting to such tax, toll or impost may, within a fortnight from the date of the said notice, send his objection in writing to the municipality, and the municipality shall take such objection into consideration, and report their opinion thereon to the Governor in Council.

Clause 3.—When a fortnight from the date of the said notice has expired, if no such objections have been sent as aforesaid, or (where such objections have been sent in) if in the opinion of the Governor in Council they are insufficient, the Governor in Council may approve of the provision for the said tax, toll or impost in the rules, and such tax, toll or impost shall be imposed accordingly.

Clause 4.—[*Repealed by Act XVI of 1895.*]

[a] *Clause 5.*—If any tax imposed under this section is a tax on pilgrims resorting periodically to a shrine within the limits of a municipal district, the Governor in Council may require the municipality of such district to assign and pay to the district local board or to the táluqá local board having authority in the táluqá in which such municipal district is situate, or partly to the said district local board and partly to the said táluqá local board, such portion of the total collections on account of such tax as he shall deem fit; and the portion so assigned shall be expended by the said board or boards within the areas respectively under their authority, on works conducive to the health, convenience and safety of the said pilgrims.

Municipality may charge fees for licenses.

22. When any license is granted by the municipality under this Act, or when permission is given by them for making any temporary erection or for putting up any projection, or for the temporary occupation of any street or

[a] Cl. 5 was added by Bom. Act II of 1884, s. 49 (*c*).

other land vested in the municipality, the municipality may charge a fee for such license or permission[a].

IV.—Application of Municipal Property and Funds.

Municipal property and funds where applicable.

23. All property vested in the municipality, and all funds received or raised by them in accordance with the provisions of this Act, shall be applied for the purposes of this Act within the limits of the municipality:

Provided always that it shall be lawful for the municipality, with the sanction of the Governor in Council or any officer duly authorized by him, to make a contribution towards expenditure incurred in any other municipality or in any [b]area subject to the authority of a local board or of a cantonment committee, or out of any public funds,[b] for measures affecting the public health, instruction or convenience, which are calculated to benefit the residents within the limits of the contributing municipality.

Duties of Municipalities.

[c] **24.** It shall be the duty of every municipality to make adequate provision, out of the municipal property and funds, for the following matters within the municipal district under its authority, namely:—

(*1*) lighting of public streets, places and buildings;

(*2*) watering public streets and places;

(*3*) cleansing of public streets, places and sewers, scavenging, removing of noxious vegetation, and the abatement of all public nuisances;

(*4*) extinguishing of fires and protecting of life and property when fires occur;

(*5*) regulating or abating offensive or dangerous trades or practices;

(*6*) removing obstructions and projections in public streets or places;

(*7*) securing or removing dangerous buildings or places and reclaiming unhealthy localities;

(*8*) providing, changing and regulating places for the disposal of the dead;

(*9*) constructing, altering and maintaining public streets, bridges, causeways, culverts, municipal boundary-marks, markets, slaughter-houses, latrines, privies, urinals, drains, sewers, drainage-works, baths, washing-places, drinking-fountains, tanks, wells, dams, and the like;

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[a] Portion which was repealed by Bom. Act II of 1884, s. 3, except in temporary municipal districts in existence when that Act came into force, is omitted.

[b-b] These words were substituted for the original words and figures by Bom. Act II of 1884, s. 49 (*d*).

[c] This section was substituted for the original s. 24 by Bom. Act II of 1884, s. 49 (*e*).

(*10*) obtaining a supply or an additional supply of water, proper and sufficient for preventing danger to the health of the inhabitants from the insufficiency or unwholesomeness of the existing supply, when such supply or additional supply can be obtained at a reasonable cost;

(*11*) naming of streets and numbering of houses;

(*12*) public vaccination and the registration of births and deaths;

(*13*) establishing and maintaining public hospitals and dispensaries and providing public medical relief;

(*14*) providing special medical aid and accommodation for the sick in time of epidemic disease;

(*15*) establishing and maintaining middle class and primary schools;

and municipalities may, at their discretion, provide out of the said property and funds, either wholly or partly, for the cost of—

(*16*) erecting or maintaining public parks, gardens, libraries, museums, colleges, schools other than middle class or primary schools, lunatic asylums, halls, offices, dharmsálas, rest-houses and other public buildings;

(*17*) planting and maintaining of road-side and other trees;

(*18*) the taking of a census, and any lawful sanitary measure;

(*19*) the establishment and maintenance of relief and relief-works in time of famine or scarcity;

(*20*) a survey;

(*21*) any other measure likely to promote the public safety, health, convenience or education.

Management of public institutions maintained by municipalities to vest in them.

The management, control and administration of every public institution maintained out of municipal property and funds shall vest in the municipality which maintains the same: Provided that the extent of the independent authority of any municipality in respect of public education and its relations with the Government Educational Department shall from time to time be prescribed by Government.

Acquisition of land.

25. When there is any hindrance to the permanent or temporary acquisition, upon payment, of any land or building required for the purposes of this Act, the Governor in Council may, after obtaining possession of the same for Government under the Land Acquisition Act, 1894 [a], or other existing law, I of 1894. vest such land or building in the municipality on their paying the compensation awarded.

[a] The reference to Act X of 1870 is altered in accordance with Act I of 1894, s. 2.

Surplus funds how dealt with.

26. *Clause 1.*—It shall be lawful for the municipality to deposit at interest, with the Bank of Bombay or such other Bank as may hereafter be appointed to conduct the business of Her Majesty's Treasury at Bombay, any surplus funds in their hands which may not be required for current charges, and to invest such funds in Government securities in the name of the municipality, and from time to time to dispose of such securities as may be necessary.

Clause 2.—All surplus funds over and above what may be required for current expenses shall, unless placed at interest as above, be deposited in the Local Government treasury or such other place of security as may be sanctioned in the rules [a]of the said municipality[a].

V.—General Conservancy.

27. [*Municipalities to which provisions of Chap. V may be rendered applicable.*] *Repealed by Bom. Act II of 1884, s. 3, except in temporary municipal districts in existence when that Act came into force.*

Power regarding streets, etc.

28. *Clause 1.*—It shall be lawful for the municipality to lay out and make new public streets or roads, and to build bridges, tunnels and other works appertaining to the same, and to widen, open, enlarge or otherwise improve any such streets or roads, and to turn, divert, discontinue or stop-up any such streets or roads, and to sell the land, or such part thereof as may not be required for the purposes of this Act.

Clause 2.—In laying out or making any new streets, or in turning, diverting, widening, opening, enlarging or otherwise improving any public street, in addition to the land required for the carriage-way and foot-ways and drains thereof, the municipality may purchase the land necessary for the houses and buildings to form the said street, and may sell and dispose of the same, in perpetuity or on lease for a term of years, with such stipulations as to the class and description of houses or buildings to be erected thereon as they may think fit.

New streets.

29. Every person intending to lay out or make any new street shall give notice in writing thereof to the municipality, and shall furnish plans and sections showing the intended level, means of drainage, direction and width of such street, if required by the municipality to do so, and the level, means of drainage, direction and width of every such street shall be fixed or approved by the municipality.

Whoever lays out, makes or builds upon any such street otherwise

[a-a] These words were substituted for the original words and figures by Bom. Act II of 1884, s. 49 (*f*).

than in accordance with the instructions so received shall be liable to the penalty hereinafter provided, and the municipality may cause any street so laid out or made to be altered, and any building erected in such street contrary to their directions to be altered or removed, and the expense thereby incurred shall be paid to them by the offender and recoverable as hereinafter provided.

If no such level, means of drainage, direction or width be fixed, and no disapproval of the level, means of drainage, direction or width proposed be signified, or *ad interim* order for a specified period not longer than one month be issued by the municipality within one month, the street may be laid out and made in the manner specified in the notice.

Projecting or receding houses.

30. [a] *Clause 1.*—If any part of a house or building projects beyond the regular line of a public street either as existing or determined upon for the future, or beyond the front of the house or building on either side thereof, the municipality may, whenever such house or building has been either entirely or in greater part taken down or burned down or has fallen down, or if the projecting part thereof is a platform, verandah, step or some other structure external to the main house or building, at any time, by written notice, require such house or building, when being rebuilt, to be set back to or towards the said regular line, or the front of the adjoining houses or buildings, or the part or some portion of the part, projecting beyond the said regular line, or the front of the adjoining houses or buildings, to be removed, as the case may be, and the portion of land added to the street by such setting back or removal [a] shall thenceforth be deemed part of the public street and be vested in the municipality :

Provided always that the municipality shall make full compensation to the owner of any such house or building for any damage he may sustain, and, if any dispute shall arise touching the amount of such compensation, the same shall be ascertained and determined in the manner hereinafter provided.

Clause 2.—The municipality may, upon such terms as they think fit, allow any house or building to be set forward for improving the line of any public street in which such house or building is situated.

Combustible materials not to be used.

31. The external walls and covering of roofs of huts or other buildings erected or renewed after this Act comes into operation shall not be made of wood, cloth, canvas, grass, leaves, mats or other inflammable matters, unless with the written consent of the municipality, and the municipality may, by written notice, require any person who may have contravened or

[a-a] This portion was substituted for the original portion by Bom. Act II of 1884, s. 49 (*g*).

caused to be contravened the above provision to remove or alter the same as they may think fit.

Any person may give information and institute a prosecution under this section, and all expenses incurred in such prosecutions shall be recoverable from the owner of such hut or building as hereinafter provided.

Level of houses.

32. No house or building shall hereafter be built upon a lower level than will allow of the drainage thereof being led into some public sewer or drain either then existing or projected by the municipality, or into some stream or river, or the sea, or some cesspool, or other suitable place which may be approved of by the municipality.

Notice of new buildings.

33. *Clause 1.*—Before beginning to erect any building, or to alter externally or add to any existing building, the person intending so to build, alter or add shall give to the municipality notice thereof in writing, and shall furnish to them, if required to do so, a plan showing the levels at which the foundation and lowest floor of such building are proposed to be laid by reference to some level known to the municipality, and all information they may require regarding the limits, design and materials of the proposed building and the intended situation and construction of the drains, sewers, privies and cesspools (if any) to be used in connection therewith.

Clause 2.—Within one month after receiving such notice the municipality may in writing issue such orders not inconsistent with this Act as they think proper with reference to such building.

If the municipality fail to issue written orders, whether of approval or otherwise, with reference to such building within the said period, the person originally giving notice may proceed to erect the building in question in the manner proposed by him to the municipality, provided that such building be in accordance with the provisions of this Act.

Clause 3.—If such building be begun or made without the notice or without affording the information above prescribed, or in any manner contrary to the legal orders of the municipality issued within the period aforesaid, or in any other respect contrary to the provisions of this Act, the person so building shall be liable to the penalty hereinafter provided, and the municipality may, by written notice, require such building to be altered or demolished as they may deem necessary.

Regulation of huts.

34. It shall not be lawful for any person to erect any range or block of huts or sheds, or to add any hut or shed to any range or block of huts or sheds already existing when this Act comes into operation, without giving previous notice to the municipality; and the municipality may require such huts or

sheds to be built so that they may stand in regular lines, with a free passage or way in front of and between every two lines, of such width as the municipality may think proper for ventilation, and to facilitate scavenging, and at such a level as will admit of sufficient drainage, and may require such huts to be provided with such number of privies and such means of drainage as to them may seem necessary.

And if any such huts or sheds be built without giving such notice to the municipality, or otherwise than as required by the municipality, the municipality may give written notice to the owner or builder thereof, or the owner or occupier of the land on which the same are erected or are being erected, to take down and remove the same within one month or to alter them as they may think fit.

Improvement of huts.

35. Whenever the municipality are of opinion that any huts or sheds, whether used as dwellings or stables or for any other purposes, and whether existing at the time when this Act comes into operation or subsequently erected, are, by reason of the manner in which such huts or sheds are crowded together, or of the want of drainage and the impracticability of scavenging, attended with risk of disease to the inhabitants or the neighbourhood, they shall cause a notice to be affixed to some conspicuous part of each such hut or shed requiring the owner or occupier thereof, or the owner of the land on which such hut or shed is built, within such reasonable time as may be fixed by the municipality for that purpose, to execute such operations as the municipality may deem necessary for the avoidance of such risk.

And, in case such owners or occupiers shall refuse or neglect to execute such operations within the time appointed, the municipality may cause the said huts or sheds to be taken down, or such operations to be performed in respect of such huts or sheds as they may deem necessary to prevent such risk.

If such huts or sheds be pulled down, the municipality shall cause the materials of each hut or shed to be sold separately, if such sale can be effected, and the proceeds after deducting all expenses shall be paid to the owner of the hut or shed, or, if the owner be unknown or the title disputed, shall be held in deposit by the municipality until the person interested therein shall obtain the order of a competent Court for the payment of the same:

Provided always that in case any huts or sheds existing at the time when this Act comes into operation should be pulled down under this section by order of the municipality, or in pursuance of their notice, compensation shall further be made to the owner or owners thereof, and the amount thereof, in case of dispute, shall be ascertained and determined as hereinafter provided.

36. *Clause 1.*—In case the municipality shall be of opinion that any privy or cesspool, or additional privies or cesspools, should be provided for any house or building, they may by written notice call upon the owner of such house or building to provide the same in such manner as the municipality deem proper. Provision of privies, etc.

Clause 2.—The municipality may by written notice require any person or persons employing workmen or labourers exceeding twenty in number, or owning or managing any market, to provide such latrines and urinals as may seem to them fit, and to cause the same to be kept in proper order, and to be daily cleaned.

Clause 3.—The municipality may by written notice require the owner or occupier of any house or building having a privy on his premises to have such privy shut out by a sufficient roof and a wall or fence from the view of persons passing by or resident in the neighbourhood, or to alter as they may direct any privy-door or trapdoor opening on to any street which they deem to create a nuisance.

37. *Clause 1.*—If any house or building in or near any street be at any time undrained, or not drained to the satisfaction of the municipality by a sufficient drain or pipe communicating with some sewer, drain, stream, river or the sea, or other suitable place, and if there be such means of drainage within fifty feet of any part of such house or building, the municipality may by written notice call upon the owner to construct or lay from such house or building a drain or pipe of such size and materials, at such level, and with such fall, as they think necessary for the draining of such house or building. Sufficient drainage of houses.

Clause 2.—All covered sewers and drains, and all cesspools, whether public or private, shall be provided by the municipality or other persons to whom they severally belong with proper traps, or other coverings or means of ventilation, and the municipality may by written notice call upon the owner of any such covered sewers, drains or cesspools to make provision accordingly.

38. *Clause 1.*—Whoever, without the written consent of the municipality first obtained, makes or causes to be made any drain into or out from any of the sewers or drains vested in the municipality by this Act, shall be liable to the penalty hereinafter prescribed, and the municipality may by written notice require such person to demolish, alter, re-make or otherwise deal with such drain as they may think fit. Unauthorized drains, etc.

Clause 2.—No building shall be newly erected or rebuilt over any sewer, drain, culvert, gutter, tunnel, water-pipe or water-course vested in the municipality by this Act without the written consent of the municipality, and the

municipality may by written notice require the person who may have erected or rebuilt such building to pull down or otherwise deal with the same as they may think fit.

Municipal control over drains, etc.

39. *Clause 1.*—All sewers, drains, privies, house-gullies and cesspools within the municipal limits shall be under the survey and control of the municipality, and, if private, shall be altered, repaired and kept in proper order at the cost and charges of the owners of the land and buildings to which the same belong, or for the use of which they are constructed or continued, and the municipality may by written notice require such owner to alter, repair and put the same in good order in such manner as they think fit.

Clause 2.—If any such sewer, drain, privy, house-gully or cesspool be constructed, after this Act comes into operation, contrary to the directions or general regulations of the municipality or the provisions of this Act, or if any person without the consent of the municipality construct any new sewer, drain, privy, house-gully or cesspool, or construct, rebuild, or unstop any sewer, drain, privy, house-gully or cesspool which has been ordered by them to be demolished or stopped up or not to be made, every person so doing shall be liable to the penalty hereinafter provided, and the municipality may in addition require by written notice such person to demolish or make such amendment or alteration in any such drain or privy as they may think fit.

Inspection of drains, etc.

40. The municipality or any officer appointed by them for such purposes may, subject to the restrictions of this Act, inspect any sewer, drain, privy, house-gully or cesspool, and for that purpose, at any time between sunrise and sunset, may enter upon any lands or buildings, with assistants and workmen, and cause the ground to be opened where he or they may think fit, doing as little damage as may be; and if upon such inspection it appears that the sewer, drain, privy, house-gully or cesspool is not in good order and condition, or that it has been constructed after this Act came into operation contrary to the provisions thereof, the expenses of such inspection shall be paid by the person to whom such sewer, drain, privy, house-gully or cesspool may belong, and shall be recoverable as hereinafter provided; but if the sewer, drain, privy, house-gully or cesspool be found to be in proper order and condition, and not to have been constructed in violation of the provisions of this Act, the municipality or officer as aforesaid shall cause the ground to be closed and made good as soon as may be, and the expense of opening, closing and making good as aforesaid shall be defrayed by the municipality.

Troughs and pipes for rain-water.

41. The municipality may by written notice require the owner of every house and building in any public street to put up and keep in good condition

proper troughs and pipes for catching and carrying the water from the roof and other part of such house or building, and for discharging the same in such manner, as they may think fit, so that it shall not fall upon the persons passing along the street.

Removal of projections.

42. *Clause 1.*—The municipality may by written notice require the owner or occupier of any house or building to remove or alter any projection, encroachment or obstruction which, although erected before this Act comes into operation in the place, shall have been erected or placed against or in front of such house or building, if the same overhangs or juts into, or in any way projects or encroaches upon, any public street, so as to be an obstruction to the safe and convenient passage along such street, or if the same projects and encroaches into or upon any uncovered aqueduct, drain or sewer in such street so as to obstruct or interfere with such aqueduct, drain or sewer, or the proper working thereof :

Provided always that, if such projection, encroachment or obstruction shall have been lawfully made, the municipality shall make reasonable compensation to every person who suffers damage by such removal or alteration ; and, if any dispute shall arise touching the amount of such compensation, the same shall be ascertained and determined in the manner hereinafter provided.

Clause 2.—The municipality shall possess similar power, but shall not be under the obligation of making compensation, with respect to all such projections, encroachments or obstructions which shall be erected or placed after this Act comes into operation in the place.

Clause 3.—The municipality may give written permission to the owners or occupiers of houses or buildings in public streets to put up open verandahs, balconies or rooms, to project from any upper storey thereof to an extent not exceeding four feet beyond the line of the plinth or basement-wall, and any person putting up such verandahs, balconies or rooms without such permission shall be liable to the penalty hereinafter provided.

Regulation of hedges, trees, etc.

43. The municipality may by written notice require the owner or occupier of any land so to trim or prune the hedges thereof bordering any public street that the said hedges may not exceed the height of four feet from the level of the street, and width of four feet, and to cut down, lop or trim all trees or shrubs which in any way overhang, endanger or obstruct, or which they deem likely to overhang, endanger or obstruct, any public road or street, or to cause damage thereto, or which so overhang any public tank, well or other provision for water-supply as to pollute, or be likely to pollute, the water thereof.

Fixing of brackets, etc., to houses.

44. The municipality may erect or fix to the outside of any house or building brackets for telegraphic wires or lamps, and such pipes as they may deem necessary for the proper ventilation of sewers and water-works, and such brackets and pipes shall be erected so as not to occasion any inconvenience or nuisance to the said house or building or any others in the neighbourhood.

Naming streets and numbering houses.

45. The municipality may from time to time cause to be put up or painted on a conspicuous part of any house at or near each end, corner or entrance to every street, the name by which such street is to be known, and may from time to time fix a number in a conspicuous place on the outer side of any building, or at the entrance of the enclosure thereof fronting the street.

Any person who destroys, pulls down or defaces any such name or number, or puts up any name or number different from that put up by the municipality, and any owner or occupier who shall not at his own expense keep such number in good order after it has been put up, shall be liable to the penalty hereinafter provided.

Ruinous or dangerous buildings.

46. If, in any street, any house, building or wall, or anything affixed thereon, be deemed by the municipality to be in a ruinous state or likely to fall, or in any other way dangerous to the inhabitants of such house or building, or the neighbouring houses or buildings or the occupiers thereof, or to passengers, they shall immediately, if it appears to them to be necessary, cause a proper hoard or fence to be put up for the protection of passengers; and shall cause notice in writing to be given to the owner or occupier, requiring such owner or occupier forthwith to take down, secure or repair such house, building, wall or thing affixed thereon, as the case shall require,

and if such owner or occupier do not begin to repair, take down or secure the same within three days after such notice, and complete such work with due diligence, the municipality shall cause all or so much of such house, building, wall or thing as they shall think necessary to be taken down, repaired or otherwise secured; and all the expenses incurred by the municipality shall be paid by the owner or occupier of the premises, and shall be recoverable as hereinafter provided:

Provided always that, if the danger be not of hourly imminence, it shall be at the discretion of the municipality to issue in the first instance notice in writing to the owner or occupier to put up a proper hoard within two days, and to take action as above in the event of non-compliance with such notice.

Displacing pavements, etc.

47. Whoever displaces, takes up or makes any alteration in the pavement, gutter, flags or other materials, or in the fences, walls or posts, of any public street, without the written consent of the municipality or other lawful

authority, or, having displaced, taken up or made alteration in any such pavement, gutter, flags or other materials, or in fences, walls or posts, shall fail to replace or restore the same to the satisfaction of the municipality after notice to do so, shall be liable to the penalty hereinafter provided, and shall pay any expense which may be incurred in restoring the street, which shall be recovered in the manner hereinafter provided.

Obstructions.

48. Whoever, after this Act comes into operation in any place, shall build any wall, or erect or set up any fence, rail, post, step, stall or any erection or thing, or other obstruction or encroachment in any public street, or shall deposit, or cause to be placed or deposited, any box, bale, package of merchandise or any other thing in such street, or in or over or upon any open drain, gutter, sewer or aqueduct in such street, shall be liable to the penalty hereinafter provided;

and the municipality shall have power to remove any such obstruction or encroachment, and the expense of such removal shall be paid by the person erecting or depositing the same, and shall be recoverable as hereinafter provided.

Nothing herein contained shall prevent the municipality from allowing any temporary erections in any public street on occasions of festivals and ceremonies, or the piling of fuel in bye-streets and spaces for not more than four days, and in such manner as not to inconvenience the public or any individual.

Hoards to be set up during repairs, etc.

49. Every person intending to build or take down any building, or to alter or repair the outward part of any building, where any street will by means of such work be obstructed or rendered unsafe or inconvenient, shall, before beginning the same, and having first obtained a license in writing from the municipality so to do, cause sufficient hoards or fences to be put up in order to separate the building where such works are being carried on from the street, and shall continue such hoard or fence standing and in good condition to the satisfaction of the municipality during such time as the public safety or convenience requires, and shall cause the same to be sufficiently lighted during the night, and shall remove the same when directed by the municipality.

Whoever contravenes the provisions of this section shall be liable to the penalty hereinafter provided.

Fencing and lighting during repairs, etc.

50. The municipality shall, during the construction or repair of any of the streets, sewers, drains or other premises vested in them, take proper precaution for guarding against accident by shoring up and protecting the adjoining buildings, and shall cause such bars, chains or posts to be fixed across

or in any of the streets to prevent the passage of carriages, carts or other vehicles, cattle or horses, while such works are carried on, as to them shall seem proper;

and the municipality shall cause any sewer or drain or other works in streets, during the construction or repair thereof, to be sufficiently lighted and guarded during the night; and whoever takes down, alters or removes any of the said bars, chains or posts, or removes or extinguishes any light, without the authority or consent of the municipality, shall be liable to the penalty hereinafter provided.

Timber not to be deposited or hole made in street without permission.

51. No person shall deposit any timber or building materials or make a hole in any street without the written permission of the municipality; and such permission shall be terminable at the discretion of the municipality; and, when such permission is granted to any person, he shall, at his own expense, cause such materials or such hole to be sufficiently fenced and enclosed until the materials are removed, or the hole is filled up or otherwise made secure to the satisfaction of the municipality, and shall cause the same to be sufficiently lighted during the night.

Whoever contravenes the provisions of this section shall be liable to the penalty hereinafter provided.

Dangerous places.

52. If any place whatsoever be, for want of sufficient repair, protection or enclosure, in the opinion of the municipality dangerous to passengers, they may by written notice require the owner thereof to repair, protect or enclose the same within twenty-four hours, so as to prevent danger therefrom.

Depositing dust, etc.

53. *Clause 1.*—Whoever deposits, or causes or permits any member of his family or household to deposit, any dust, dirt, dung, ashes, garden, kitchen or stable-refuse, or filth of any kind, or any animal-matter, or any broken glass or earthenware or other rubbish, or any other thing that is, or may be, a nuisance in any street or on any public quay [a], jetty or landing-place, or on any part of the seashore or the bank of a tidal river, whether above or below high watermark, or on any river-bank, except at such places, in such manner and at such hours as shall be fixed by the municipality,

and whoever obeys, or permits any member of his family or household to obey, the calls of nature in any street,

shall be liable to the penalty hereinafter provided.

Clause 2.—Whoever throws or puts, or causes or permits any member of his household to throw or put, any of the matter above described, or, except with the permission of the municipality, any nightsoil, into any sewer, drain,

[a] "Quay" was substituted for "quarry" by Act XVI of 1895.

culvert, tunnel, gutter or water-course, or into any drain communicating therewith, shall be liable to the penalty hereinafter provided.

Discharging sewage, etc.

54. Whoever causes or allows the water of any sink or sewer, or any other offensive liquid or other matter from his premises, or from his land, to run, drain or be thrown or put upon any street, or to soak through a wall in any street, or causes or allows any offensive matter from any sewer or privy to run, drain or be thrown into a surface drain in any street, without the permission in writing of the municipality, shall be liable to the penalty hereinafter provided.

Non-removal of filth, etc.

55. Whoever, being the owner or occupier of any building or land, keeps or allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any dirt, dung, bones, ashes, nightsoil, filth or any noxious or offensive matter, in or upon such building or land, or suffers such receptacle to be in a filthy or noxious state, or neglects to employ proper means to remove the filth therefrom and to cleanse and purify the same, or keeps or allows to be kept in or upon such building or land any animal in such a way as to be a nuisance, shall be liable to the penalties hereinafter provided.

Removal of nightsoil.

56. The municipality may from time to time fix the hours within which only it shall be lawful to remove any nightsoil or other such offensive matter; and, when they have fixed such hours and given public notice thereof by beat of bátaki,

whoever removes, or causes to be removed, along any street any such offensive matter at any time except within the hours so fixed, or

whoever at any time, whether such hours have been fixed by the municipality or not, uses for any such purpose any cart, carriage, receptacle or vessel not having a covering proper for preventing the escape of the contents thereof and of the stench therefrom, or

who wilfully or negligently slops or spills any such offensive matter in the removal thereof, or

who does not carefully sweep and clean every place in which any such offensive matter has been slopped or spilled, or

who places or sets down in any public place any vessel containing such offensive matter, or

who drives or takes or causes to be driven or taken any cart, carriage, receptacle or vessel used for any such purpose as aforesaid, through any street or by any route other than such as shall from time to time be appointed for that purpose by the municipality by public notice,

shall be liable to the penalty hereinafter provided.

Halalkhor-service.

57. *Clause 1.*—It shall be lawful after notice given to the occupier or

occupiers of any building or land, or to the occupiers generally within the municipal district or any recognised division thereof, for the municipality to perform by their agents the duties usually performed by sweepers with regard to such building, land, district or division, and to make suitable provision accordingly.

Clause 2.—When the municipality shall have made such provision, the occupier, or the several occupiers, of the building or land so served, or all the several occupiers of buildings or lands situated within the district or division regarding which such notice may have been given, shall become liable to pay any special cess which may be levied for such purposes under the rules [a]of the said municipality[a].

Filthy buildings, etc.

58. Whoever, being the owner or occupier of any building or land, whether tenantable or otherwise, suffers the same to be in a filthy and unwholesome state, or in the opinion of the municipality a nuisance to persons residing in the neighbourhood, or overgrown with rank and noisome vegetation, and who shall not, within twenty-four hours after notice in writing by the municipality to cleanse, clear or otherwise put the same in a proper state, have complied with the requisition contained in such notice, shall be liable to the penalty hereinafter provided:

Provided that, if the state of the house or building be such as in the judgment of the municipality to render it unfit for human habitation, they may further prohibit the using thereof for that purpose until it is so rendered fit.

Power to enter and inspect, etc., buildings.

59. It shall be lawful for the municipality or any officer appointed by them for such purposes, any time between sunrise and sunset, on giving such notice as hereinafter provided, to enter into and inspect all buildings and lands, and by written notice to direct all or any part to be forthwith internally and externally limewashed or otherwise cleansed, for sanitary reasons.

Bathing-places.

60. The municipality may set apart sufficient public places or any part of the seashore (not being private property) for the purpose of being used as bathing-places; and may also provide or set apart a sufficient number of convenient tanks or runs of water for the inhabitants to bathe in; and may also set apart tanks or reservoirs or runs of water for washing animals or clothes, and for all purposes connected with the health, cleanliness and comfort of the inhabitants.

Fouling water.

61. Whoever, in disobedience of any order of the municipality under sec-

[a-a] These words were substituted for the original words and figures by Bom. Act II of 1884, s. 49 (*f*).

tion 60 [a], bathes in any stream, tank or reservoir, well, cistern, conduit or aqueduct belonging to the municipality, or washes, or causes to be washed, therein any animal, or anything whatever, or throws, puts or casts, or causes to enter, therein any animal, or anything, or causes or suffers to run, drain or be brought thereinto, anything that is, or may be, a nuisance, or does anything whatsover whereby any such water shall be in any degree fouled or corrupted, or

whoever, without permission of the municipality, steeps in any tank, stream or ditch within the municipal district any animal, vegetable or mineral matter likely to render the water of such tank, stream or ditch offensive or a nuisance,

shall be liable, on conviction before a Magistrate, to the penalty hereinafter provided.

Abatement of nuisances.

62. When any pool, ditch, tank, pond, well, hole or any waste or stagnant water, whether the same be within any private enclosure or otherwise, shall appear to the municipality to be likely to prove injurious to the health of the inhabitants or offensive to the neighbourhood, the municipality may by written notice require the owner of the same to cleanse or fill up, or drain off, or remove the same, or to take such measures as shall, in their opinion, be necessary to abate or remove the nuisance.

Using offensive manure.

63. Whoever, except with the written permission of the municipality and in the way (if any) enjoined in such permission, stores or uses nightsoil, or other manure or substance, emitting an offensive smell, shall be liable to the penalty hereinafter provided.

Tethering cattle, etc.

64. Whoever shall tether cattle or other animals, or cause or permit them to be tethered by any member of his family or household, in any public street so as to obstruct or endanger the public traffic therein, or who causes or permits such animals to stray about without a keeper, shall be liable to the penalty hereinafter provided.

Consumption of smoke.

65. It shall be lawful for the municipality to direct, by public notice, that every furnace employed or to be employed in any works or buildings used for the purposes of any trade or manufacture whatsover within the limits of the municipal district, whether a steam-engine be or be not used or employed therein, shall in all cases be constructed or altered so as to consume or burn, or reduce as far as may be practicable, the smoke arising from such furnace;

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[a] Words repealed by Bom. Act III of 1886 are omitted.

and if any person shall after such direction use, or permit to be used, any such furnace which shall not be constructed or altered so as to consume or burn its own smoke, or shall so negligently use, or permit to be used, any such furnace as that the smoke arising therefrom shall not be effectually consumed or burnt, every person so offending, being the owner or occupier of the premises, or being an agent or other person employed by such owner or occupier for managing the same, shall, upon conviction before any Magistrate, be liable to a penalty not exceeding one hundred rupees, and upon each subsequent conviction a sum double the amount of the penalty imposed for the last preceding conviction :

Provided that nothing in this section shall be held to apply to locomotive engines used for the purpose of traffic upon any railway, or for the repair of roads.

Licensing markets and slaughter-houses.

66. *Clause 1.*—It shall be lawful for the municipality to direct that no place shall be used as a market for the sale of animals, meat, fish and vegetables intended for human food, or as a slaughter-house, excepting the public markets or slaughter-houses constructed or opened by the municipality, or such other markets or slaughter-houses as may have been licensed in writing by the municipality, who may, at their discretion, from time to time grant, withhold or withdraw such licences, either generally or in individual instances.

Clause 2.—Whoever, contrary to such direction or without such license as aforesaid, sells or exposes for sale any such animals or commodities, or uses any place as a slaughter-house, shall be liable to the penalty hereinafter provided.

Opening, closing and letting of market and slaughter-houses.

67. *Clause 1.*—The municipality may from time to time open or close any public market or slaughter-house. They may also either take stallage or other rents or fees for the use, by any person, of any such market or slaughter-house, or from time to time sell by public auction or otherwise the privilege of occupying any stall or space in, or of otherwise using, any such market or slaughter-house.

Clause 2.—Any person who, without the permission or license of the municipality, shall sell or expose for sale any article in the said markets, or use the said slaughter-houses, shall be liable to the penalty hereinafter provided.

Search for unwholesome articles.

68. The municipality, or any officer authorized by them for such purposes, may at all reasonable times enter into and inspect any place used for the sale, either wholesale or retail, or for the storing, of articles intended for food or

drink, or as a slaughter-house, and may examine any such articles which may be therein ; and, in case any such articles appear to be unfit for food or drink, may seize the same ; and, if it appear to a Magistrate upon sufficient evidence that the same are unfit for food or drink, he shall order the same to be destroyed, or to be so disposed of as to prevent their being exposed for sale or used for food or drink, and the owner thereof, or the person in whose possession the same are found, shall be liable to the penalty provided by section 273 of the Indian Penal Code [a].

XLV of 1860.

Regulation of certain trades.

69. If it be shown, to the satisfaction of the municipality, that any building or place used

for melting tallow or sulphur ; or

for boiling or storing offal, blood, bones or rags ; or

for washing or drying wool or hair ; or

[b] for salting and curing fish, soap-making, oil-boiling, dyeing, tanning, or the manufacture of leather or leather goods ; or

as a [b] brick, pottery or lime-kiln, manufactory of sago, distillery or other manufactory or place of storing hides, fish, horns, skins, from which either offensive or unwholesome smells arise ; or

as a manufactory of gunpowder or fireworks, place of storing explosive substances, or hay, straw, fodder, wood, coal or other combustible material,

is a nuisance to the neighbourhood, or so used or situated as to be likely to be dangerous to life, health or property,

the municipality may by written notice require the owner or occupier to discontinue the use of such place, or to use it in such manner as they may deem will render it no longer a nuisance, or injurious or dangerous, and any person who contravenes the direction of such notice shall be liable to the penalties hereinafter provided.

70. [*Bye-laws for markets, slaughter-houses and certain trades.*] *Repealed by Bom. Act II of 1884, s. 3, except in temporary municipal districts in existence when that Act came into force.*

Slaughter-houses, etc., beyond municipal limits.

71. It shall be lawful for the municipality, with the sanction of the Governor in Council or any officer authorized by him, to establish slaughter-houses or places for the disposal of carcases of animals beyond the limits of the municipal district, and all provisions of this Act and bye-laws relating to the management of such places within municipal limits shall have full force therein, as if such places were within the municipal limits.

[a] For Act XLV of 1860 see the revised edition, as modified up to 1st August, 1890, published by the Legislative Department.

[b-b] These words were substituted for the original words by Bom. Act II of 1884, s. 49 (*h*).

72. [*Bye-laws for registration of births, etc., and taking of census.*] *Repealed by Bom. Act II of 1884, s. 3, except in temporary municipal districts in existence when that Act came into force.*

Special sanitary exigencies.

73. In the event of the municipal district, or any part thereof, being at any time threatened or visited with an outbreak of any epidemic disease, the municipality is hereby empowered and directed, with the sanction of the Governor in Council or any officer duly authorized by him, to take such measures as may be deemed necessary to prevent, meet, mitigate or suppress any such outbreak.

Penalties.

74. *Clause 1.*—Any person who contravenes the provisions of the sections [a] hereinafter enumerated shall for each offence be liable to penalties not exceeding those herein prescribed with reference to such sections respectively; that is to say:—

Sections 33, 38, 39, 42, 45, 47, 48, 49, 50, 51, 53, 54, 55, 56, 58, 63, 64, 66, 67	}	Fine not exceeding Rs.	25
61		„ „ „	50
29, 69		„ „ „	100

Clause 2.—Any person who, after conviction or notice, as the case may be, continues the offences referred to in the sections [a] hereinafter enumerated, shall, in addition to any penalty which may have been imposed, be liable for each day of such continuance to the penalties herein prescribed with reference to such sections respectively; that is to say:—

Sections 38, 39, 42, 55, 56, 58, 64 .	Fine not exceeding	Rs.	
„ 49, 51, 52	„ „	„	10
„ 69	„ „	„	30

Execution of notices.

75. All written notices which may be issued by the municipality under sections 33 to 39, 41 to 43, 46, 58, 62 and 69 [a] shall prescribe a time, which shall, at the discretion of the municipality, be not less than three days or more than one month, within which the action prescribed in the notice should be taken by the person upon whom the notice is served.

In the event of non-compliance with the terms of the notice it shall be lawful for the municipality to take such action, or such steps, as may be necessary for the completion thereof, and all the expenses incurred by them shall be paid by the person or persons upon whom the notice was served, and shall be recoverable in the manner hereinafter provided.

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[a] Words repealed by Bom. Act III of 1886 are omitted.

VI.—Procedure, Prosecutions, Suits, etc.

Service of Notices.

76. Every notice under this Act may be served personally upon the person to whom the same is addressed, or by leaving the same with some adult male member or servant of his family; or, if it cannot be so served, it may be put up on some conspicuous part of such person's place of abode. If the notice relates to any building or land, and the place of abode of the owner is unknown, the notice shall be deemed to be duly served if put up on some conspicuous part of the building or land to which the same relates.

No notice shall be invalid for defect of form.

Municipality, in default of owner or occupier, may execute works and recover expenses.

77. *Clause 1.*—Whenever, under the provisions of this Act, any work is required to be executed by the owner or occupier of any house or land, and default is made in the execution of such work, the municipality, whether any penalty is or is not provided for such default, may cause such work to be executed; and the expenses thereby incurred shall be paid to them by the person by whom such work ought to have been executed, and shall be recoverable as hereinafter provided either in one sum or by instalments as to the municipality may seem fit.

Power to levy charges on occupier, who may deduct same from rent.

Clause 2.—If the defaulter be the owner of the house or land, the municipality may by way of additional remedy, whether an action or proceeding has been brought or taken against such owner or not, require the payment of all or any part of the expenses payable by the owner for the time being from the person who then, or any time thereafter, occupies the house or land under such owner; and, in default of payment thereof by such occupier on demand, the same may be levied by distress of the goods and chattels of such occupier;

every such occupier shall be entitled to deduct from the rent payable by him to his landlord so much as is so paid by or recovered from such occupier in respect of any such expenses.

Occupiers not to be liable for more than amount of rent due.

Clause 3.—No occupier of any house or land shall be liable to pay more money in respect of any expenses charged by this Act on the owner thereof than the amount of rent due from him for the premises in respect of which such expenses are payable at the time of the demand made upon him, or which at any time after such demand and notice not to pay the same to his landlord has accrued and become payable by him, unless he neglect or refuse, upon application made to him for that purpose by the municipality, truly to disclose the amount of his rent, and the name and the address of the person to whom such rent is payable; but the burden of proof that the sum demanded of any

such occupier is greater than the rent which was due by him at the time of such demand, or which has since accrued, shall be upon such occupier:

Proviso.

Provided further that nothing herein contained shall be taken to affect any special contract made between any such person, owner or occupier, respecting the payment of the expense of any such works as aforesaid.

Occupier in default of owner may execute works and deduct expenses from rent.

78. Whenever default is made by the owner of any house or land, in the execution of any work required to be executed by him, the occupier of such house or land may, with the approval of the municipality, cause such work to be executed, and the expense thereof shall be paid to him by the owner, or the amount may be deducted out of the rent from time to time becoming due from him to such owner.

Proceedings if any occupier opposes execution of Act.

79. If the occupier of any house or land prevent the owner thereof from carrying into effect, in respect of such house or land, any of the provisions of this Act, after notice of his intention so to do has been given by the owner to such occupier, any Magistrate, upon proof thereof and upon application of the owner, may make an order in writing requiring such occupier to permit the owner to execute all such works, with respect to such house or land, as may be necessary for carrying into effect the provisions of this Act, and may also, if it think fit, order the occupier to pay to the owner the costs relating to such application or order;

and if, after the expiration of eight days from the date of the order, such occupier continue to refuse to permit such owner to execute such work, such occupier shall, for every day during which he so continues to refuse, be liable to a penalty not exceeding fifty rupees; and every such owner, during the continuance of such refusal, shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

Entry for purposes of Act.

80. It shall be lawful for the municipality, or any officer authorized by them for such purposes, to enter for the purposes of this Act, between sunrise and sunset, into and upon any building or land, as well for the purpose of making any survey or inspection they may be entitled to make, as for the purpose of executing any work authorized by this Act to be executed by them:

Provided that, except when herein otherwise provided, the municipality or their said officer shall not enter upon any building or land which may be occupied at the time, unless with the consent of the occupier thereof, without previously giving the said occupier twenty-four hours' written notice of their or his intention to do so:

Provided also that, in the case of buildings used as human dwellings, due regard shall be paid to the social and religious prejudices of the occupiers.

Arbitration in cases of compensation, etc.

81. If a dispute arises with respect to any compensation, damages, costs or expenses which are by this Act directed to be paid, the amount, and if necessary the apportionment of the same, shall be ascertained and determined by a panchâyat of five persons, of whom two shall be appointed by the municipality, two by the party to receive compensation, and one, who shall be sar-panch, shall be selected by the members already appointed as above.

If either party or both parties fail to nominate representatives, or if the members fail to appoint a sar-panch within one month from the date of either party receiving written notice from the other of claim to such compensation, damages, costs or expenses, such members as may be necessary to constitute a panchâyat shall be appointed, at the instance of either party, by the District Judge.

In the event of the panchâyat not giving a decision within one month from the date of the appointment of the sar-panch, the matter shall, on application by either party, be determined by a Court under the provisions of the Land Acquisition Act, 1894. [a]

I of 1894.

Municipality may prosecute.

82. The municipality may direct any prosecution for any public nuisance whatever, and may order proceedings to be taken for the recovery of any penalties, and for the punishment of any persons offending against the provisions of this Act, and may order the expenses of such prosecution or other proceedings to be paid out of the municipal fund, and no prosecution for an offence under this Act shall be instituted except within three months next after the commission of such offence.

Damage to municipal property how made good.

83. *Clause 1.*—If through any act, neglect or default, on account whereof any person shall have incurred any penalty imposed by this Act, any damage to the property of the municipality shall have been committed by such person, he shall be liable to make good such damage as well as to pay such penalty, and the amount of damage shall, in case of dispute, be determined by the Magistrate by whom the party incurring such penalty shall have been convicted, and on non-payment of such damage on demand the same shall be levied by distress, and such Magistrate shall issue his warrant accordingly.

Clause 2.—It shall be lawful for the municipality in lieu of proceeding by distress and sale, or in case of failure to realize by distress the whole or any part of any compensation, expenses, charges or damages awarded under this Act, to sue, in any Court of competent jurisdiction, the person liable to pay

[a] The reference to Act X of 1870 is altered in accordance with Act I of 1894, s. 2.

the same, as also any person who may have in any other way caused, or may appear likely to cause, any loss or innovation of any of the property, rights or privileges of the municipality.

Clause 3.—The municipality may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in them, their officers and servants, under this Act.

Jurisdiction of Magistrate.

84. Every prosecution under this Act or under the bye-laws made in accordance with the provisions of this Act may be instituted before any Magistrate, whether the said Magistrate be a Municipal Commissioner or not,

and every fine or penalty imposed under or by virtue of this Act or any bye-law made in pursuance thereof, as also upon information laid by order of the municipality, all arrears of [a] cesses or other taxes, and such penalties in addition to the said arrears, not exceeding in any case one-fourth of the amount of the arrear, as shall be adjudged by the said Magistrate, and all arrears of [a] stallage and other rents and fees, and all expenses, may be recovered by a summary proceeding before such Magistrate in the manner provided in the Code of Criminal Procedure, 1882 [b]. X of 1882.

Distress lawful though defective in form.

85. No distress levied by virtue of this Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction or warrant of distress, or other proceeding relating thereto, nor shall such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him; but all persons aggrieved by such irregularity may recover full satisfaction for the special damage in any Court of competent jurisdiction.

86. [*Actions against municipality.*] *Repealed by Bom. Act II of 1884, s. 3, except in temporary municipal districts in existence when that Act came into force.*

Powers of Police-officers.

87. *Clause 1.*—Any Police-officer may arrest any person committing in his view any offences against any of the provisions of this Act if the name and address of such person be unknown to him, or if such person decline to give his name and address, or if the Police-officer in question shall have reason to doubt the accuracy of such name and address if given; and such person may be detained at the station-house until his name and address shall be correctly ascertained:

Provided that no person arrested under the provisions of this Act shall

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[a-a] These words were substituted for the original word by Bom. Act II of 1884, s. 49 (*i*).

[b] The reference to Act X of 1872 is altered in accordance with Act X of 1882, s. 3. (For Act X of 1882 see the revised edition, as modified up to 15th December, 1888, published by the Legislative Department.)

be detained in any way without the order of some Magistrate, longer than shall be necessary for bringing him before a Magistrate, or than forty hours at the utmost.

Clause 2.—It shall also be the duty of all Police-officers to give immediate information to the municipality of any offence committed contrary to the provisions of this Act, and to assist all [a] municipal officers and servants in the exercise of their lawful authority.

VII.—Municipal Accounts and Government Control.

Quarterly and annual accounts.

88. [b] *Clause 1.*—Every municipality shall have prepared and laid before them, at their periodical general meetings, complete accounts of the receipts and expenditure of the municipal fund during the period since the first day of April last preceding, and at the general meeting in April a complete account of such receipts and expenditure for the financial year ending the 31st March last preceding, together with a budget estimate of the income and expenditure of the municipality for the financial year then just commenced.

Budget estimates.

Clause 2.—The municipality shall thereupon, or after audit of the past year's accounts if it has not previously taken place, pass the accounts of the past year, and decide upon the appropriations, and the ways and means, contained in the budget of the year then just commenced.

The budget so sanctioned may be varied or altered from time to time, as circumstances may render desirable, at a special general meeting called for the purpose.

Audit of accounts.

89. The municipal accounts shall from time to time, and once in every year at the least, be audited by such agency as may be prescribed in the rules [c] of the municipality[c].

The auditor or auditors shall, for the purposes of their office, have access to all the accounts and other records of the municipality.

Transmission of accounts to Government.

90. The Municipality shall, as soon as the annual accounts have been finally passed by them, transmit to the Governor in Council, or any officer duly authorized by him, a copy thereof, or an account in such form as the Governor in Council may prescribe, and shall furnish such details and vouchers relating to the same as he may from time to time direct.

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[a] Words which were repealed by Bom. Act II of 1884, s. 3, except in temporary municipal districts in existence when that Act came into force, are omitted.

[b] This clause was substituted for the original cl. *1* by Bom. Act II of 1884, s. 49 (*j*).

[c-c] These words were substituted for the original words and figures by Bom. Act II of 1884, s. 49 (*k*).

91. [*Powers of Government in cases of municipal default.*] *Repealed by Bom. Act II of 1884, s. 3, except in temporary municipal districts in existence when that Act came into force.*

VIII.—PUBLICITY OF MUNICIPAL PROCEEDINGS [a].

92, 93. [*Meetings to be public; Minutes of proceedings.*] *Repealed by Bom. Act II of 1884, s. 3, except in temporary municipal districts in existence when that Act came into force.*

Publication of accounts.

94. The quarterly and annual accounts of receipts and expenditure, and the budget when sanctioned, shall [b] be open to public [c] inspection, and shall be published in the vernacular language in any newspaper which may exist in or near the place, or in any other manner which the municipality may prefer.

95 to 99. [*Rules to be printed and sold; Complaints and appeals; Right to sue Municipality; Inspection by Police Commissioners; Delegation of powers.*] *Repealed by Bom. Act II of 1884, s. 3, except in temporary municipal districts in existence when that Act came into force.*

THE BOMBAY TRAMWAYS ACT, 1874.

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[a] The word repealed by Act XVI of 1895 is omitted.
[b] The word which was repealed by Bom. Act II of 1884, s. 3, except in temporary municipal districts in existence when that Act came into force, is omitted.
[c] The word "public" was inserted by Bom. Act II of 1884, s. 49 (*l*).

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BOMBAY ACT No. I OF 1874.

(*The assent of the Governor General of India to this Act was first published by the Governor of Bombay on the 15th May, 1874.*)

An Act to authorize the making and to regulate the working of Street-tramways in Bombay.

WHEREAS the Corporation of the Justices of the Peace for the city of Bombay, by an agreement dated the twelfth day of March, 1873, for the considerations therein expressed, granted to William French Stearns and George Alvah Kittredge and their assigns the right to construct and maintain and to use a tramway or tramways in Bombay upon the terms and in the manner mentioned in the said agreement, a copy whereof is set forth in the schedule, [a] and the said agreement had on the third day of March, 1873, received the sanction of the Governor of Bombay in Council; Preamble.

and whereas the said W. F. Stearns and G. A. Kittredge are desirous of being empowered to lay down and maintain the several street-tramways in the

[a] Words repealed by Bom. Act III of 1886 are omitted.